

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

VICKIE WRIGHT,)
)
Plaintiff,)
)
vs.) Case No. 4:18 CV 1019 ACL
)
NANCY A. BERRYHILL,)
Commissioner of Social Security)
)
)
Defendant.)

MEMORANDUM AND ORDER

This is an action under 42 U.S.C. § 405(g) for judicial review of Defendant's final decision denying Plaintiff's application for benefits under the Social Security Act. Currently pending is Defendant's Motion to Reverse and Remand. (Doc. 27.) Plaintiff, who is proceeding *pro se*, has not filed a Response to Defendant's Motion.

In her motion, Defendant requests that the Court reverse the decision of the administrative law judge ("ALJ"), and remand this action to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g). Defendant states that, after careful review of the above-captioned case, agency counsel determined that remand was necessary for further evaluation of Plaintiff's claim. Defendant indicates that, upon receipt of the Court's remand order, the Appeals Council will remand this case to the ALJ who will be directed to offer Plaintiff an opportunity for a supplemental hearing, take any further action needed to complete the administrative record, and issue a new decision.

Sentence four of 42 U.S.C. § 405(g) states that "[t]he court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a

rehearing.” In order for the Court to properly remand a case to the Commissioner pursuant to sentence four, the Court must enter an order either affirming, modifying, or reversing the Commissioner’s decision. *See Brown v. Barnhart*, 282 F.3d 580, 581 (8th Cir. 2002).

The undersigned believes that it is appropriate to reverse and remand this case in order to permit the Commissioner to take further action as requested in her motion.

Accordingly,

IT IS HEREBY ORDERED that Defendant’s Motion to Reverse and Remand (Doc. 27) is **GRANTED**.

IT IS FURTHER ORDERED that the decision of the Commissioner be **reversed** and this cause be **remanded** to the Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g) for the reasons set forth in this Memorandum and Order. A separate written Judgment will be entered in favor of the Plaintiff and against the Defendant.

IT IS FURTHER ORDERED that Plaintiff’s pending Motion to Appoint Counsel (Doc. 17) is **denied as moot**.



ABBIE CRITES-LEONI
UNITED STATES MAGISTRATE JUDGE

Dated this 28th day of February, 2019.